

UNITED STATES DISTRICT COURT

for the

Middle District of North Carolina

United States of America

v.

Justin Carl Moose

Case No. 1:10MJ51-1

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 4, 2010 in the county of Cabarrus in the Middle District District of North Carolina, the defendant(s) violated:

Code Section

Title 18 United States Code Section 842(p)(2)(B)

Offense Description

Distribution of Information Relating to Explosives, Destructive Devices, and Weapons of Mass Destruction

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

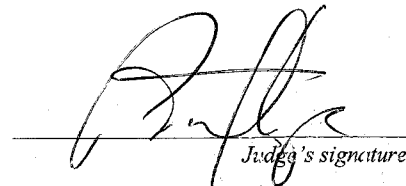

Complainant's signature

Special Agent Thomas J. Brereton, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 09/06/2010


Judge's signature

City and state: Greensboro, North Carolina

P. Trevor Sharp, US Magistrate Judge, MDNC

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

**AFFIDAVIT IN SUPPORT OF
A CRIMINAL COMPLAINT**

Your Affiant, Thomas J. Brereton, Special Agent, Federal Bureau of Investigation, being duly sworn, states the following:

INTRODUCTION

This affidavit is made in support of a criminal complaint and arrest warrant for Justin Carl Moose, who resides at 93 Mary Circle, Concord, North Carolina.

1. Your Affiant is a Special Agent of the Federal Bureau of Investigation (FBI), assigned to the Charlotte Division, Greensboro Resident Agency. Your Affiant has been employed as a Special Agent of the FBI for approximately 14 years and is currently assigned to the Joint Terrorism Task Force (JTTF). In this capacity, your Affiant investigates violations of federal laws; to include, as will be described in this matter, violations of Title 18, United States Code, Section 842(p)(2)(B), Distribution of Information Relating to Explosives, Destructive Devices, and Weapons of Mass Destruction and Title 18 USC Section 248(a)(1) and (3), Freedom of Access to Clinic Entrances (FACE Act).

2. Based upon reports made available to your Affiant by other Special Agents of the FBI, your Affiant is familiar with the facts and circumstances of this investigation.

SUMMARY OF INVESTIGATION

3. On or about August 9, 2010, the FBI, Charlotte Division, received information from the Planned Parenthood Association that an individual in the North Carolina area was advocating extreme violence against women's healthcare clinics, specifically locations where abortions are performed, and the healthcare professionals employed at these facilities. The individual described by the Planned Parenthood Association, a Justin Moose, was utilizing the Facebook social networking website as a platform to promote this activity. Additionally, the Facebook page in question indicated Moose resided in Concord, North Carolina. Subsequent investigation resulted in the identification of North Carolina resident Justin Carl Moose as a possible subscriber to the Facebook account in question. Moose was determined to reside at 93 Mary Circle, Concord, North Carolina. Various on-line databases list the abovementioned address belonging to Moose. These include, but are not limited to, the North Carolina Department of Motor Vehicles (DMV) driver's license and vehicle registration databases.

4. Moose utilizes the social networking site, Facebook (hereinafter referred to as FB), under the name "Justin Moose" with the online identification number 100000354075909. Based upon a comparison of Moose's profile picture on FB to his North Carolina DMV picture, it is believed that the Justin Moose on FB to be the Justin Carl Moose who resides at 93 Mary Circle, Concord, North Carolina.

5. Under his picture on his FB page, Moose describes himself in the following manner:

Whatever you may think about me, you're probably right. Extremist, Radical, Fundamentalist...? Yep! Terrorist...? Well.... I prefer the term "freedom Fighter". "End abortion by any means necessary and at any cost". "Save a life, Shoot an abortionist"

6. From January 19, 2010 until the present, Moose made numerous statements advocating the use of violence in order to affect his political or ideological beliefs. The majority of these postings relate to the issue of abortion and the murder of abortion providers. The following are examples of the postings and are not designed to be all inclusive of every posting on his FB account:

January is pro-life month. Save a life, prevent an abortion. "By any means necessary". (01/19/2010)

The Death Care Bill passed last night. Keep your eyes and ears open. Now is not the time to move on

targets, yet. Keep your phone and rifle close and wait. (03/22/2010)

Time for us to pull together and fight obamacare. We will prevent it from being implemented by direct means if (when) necessary. (03/24/2010)

We are fighting evil in high places. Don't pull any punches now. Use every tool and weapon you have up to and including force. (05/13/2010)

Dead abortionists don't kill babies, and a fire bombed death camp can no longer facilitate the holocaust against them. (05/20/2010 and 05/22/2010)

There are few problems in life that can't be solved with the proper application of high explosives:) (05/23/2010)

The "president" ordered the assassination of Jerry Kane Jr. and his 16 year old son Joseph Kane. This must not go unpunished. Calling all Tim McVeigh's and Eric Rudolph's! We must take the war to the enemies of freedom and retaliate with all due force. (05/24/2010)

Save a life, terminate an abortionist. (06/17/2010)

If a mosque is built on ground zero, it will be removed. Oklahoma City style. Tim's not the only man out there that knows how to do it. Fight fire with fire. (07/25/2010)

"You have a responsibility to protect your neighbor's life, and to use force if necessary to do so. In an effort to suppress this truth, you may mix my blood with the blood of the unborn, and those who have fought to defend the oppressed. However, truth and righteousness will prevail. May God help you to

protect the unborn as you would want to be protected." Paul J. Hill (08/05/2010)

List of death camps with address' Do with it what you wish. (08/22/2010)

(Upon review, it was found the aforementioned list was a list of abortion facilities throughout the United States).

7. On August 3, 2010, Moose placed the following posting on his wall: "The best TATP instructions on the internet." and a link to the web site: <http://chemistrysci.org/TATP.html>. SA Mark Aysta, FBI reviewed the website and determined that it contained a recipe for creating the explosive material TATP, including pre-cursor ingredients and numbered step-by-step manufacturing instructions. Moose further commented on August 04, 2010 by posting the following:

TATP should not be used as a primary explosive due to its high sensitivity to shock. It is however useful as a detonator for other high explosives like RDX and amfo. For this it should be placed in a cardboard tube as metal will cause TATP to destabilize. It is a sufficient replacement for mercury fulminate in blasting caps. Do not tamp. You will lose your hand. The ice bath is mandatory as without it DADP is produced which is very unstable. Nitrocellulose can be dissolved in the acetone prior to synthesis to further stabilize the explosive.

On September 3, 2010 SA Aysta read the instructions and ingredient list provided on the link to the website

<http://chemistrysci.org/TATP.html> to Dr. Kirk Yeager, FBI Laboratory Division, Explosives Unit. Dr. Yeager confirmed that by utilizing the ingredients and instructional sequence articulated on the website, it would result in the manufacture of explosive material.

8. On August 18, 2010, Moose made the following posting:

Make a bomb and light the fuse, another Hero in the news. The monster dead, with hole in head. His end was made and babies were saved.

9. On August 23, 2010, Moose made the following posting:

To all the feds watching me: You can't stop what is in motion. Even if you bring me in, my men will continue their mission. Furthermore, I will not go peacefully. Do you really want another Waco?

10. A review of Moose's video section of his FB profile revealed four (4) movies posted. The titles of the movies were as follows:

Hey Man Nice Shot
God's gonna cut you down
Presentation of the flags and the branches
The exhaust on my Vette

Upon viewing, the "Hey Man Nice Shot" video was found to be a tribute to individuals who had murdered abortion clinic doctors. The caption for the video reads, "In memory and honor of those that stopped abortionists dead in their tracks". The video contains an image of one doctor that appears to have been augmented to show a bloody bullet hole in the doctor's forehead. Throughout the video, tribute and thanks are made to the following individuals:

Scott Roeder

Michael Griffin

James Kopp

John Salvi

Shelly Shannon

Paul Hill

In the comments section, Moose posted the following statement:

"Thank you. If anybody wants a copy, I have it saved as a .wav file and will be happy to send it to you."

Based upon this statement, your Affiant believes Moose has stored a copy of the "Hey Man Nice Shot" video on a computer within his control and possession.

11. On August 25, 2010 Moose's "MY SPACE" account was

reviewed by an employee of the FBI. From this account several photographs were found. One such photograph included a juvenile female holding an assault rifle, a juvenile male wearing a ballistic vest, a black assault rifle hanging on a door, and three additional photographs. It is unclear what these additional photographs actually represent, however, upon review of the photographs by a certified FBI bomb technician, the photographs appear to be of a device that is consistent with some of the basic elements of an improvised explosive device (IED). Specifically, the device appears to contain a battery and an electrical circuit capable of producing a spark within a cutaway PVC pipe.

12. According to the comments on each of Moose's postings, it appears that Moose utilizes both a computer and mobile telephone to update his FB status. Additionally, Moose communicates with other individuals through the use of publically accessible wall postings and private messaging.

13. A search warrant was issued by the United States District Court, Middle District of North Carolina, and executed on Moose's FB account and private messaging. In a private message between Moose and another known anti-abortion extremist, whose identity will not be articulated in this affidavit, but known to the FBI, on July 24, 2010 Moose writes the following:

If there's any good that I do, I give the glory to my Father God. And if there's any bad I do, well I guess I can take credit for that:) As far as I'm concerned nothing is off limits to stop abortion. Anything and everything goes. I have learned a lot from the muslim terrorists and have no problem using their tactics. People say sarcastically "what's the difference between a Christian terrorist and a Islamic terrorist" I tell them simply that I'm right and I serve a living God! THAT'S the difference.

In another private message to a separate individual on May 23, 2010, Moose wrote the following:

...there was an experience that made me militant...

My entire life has centered around the art of making war.

Destruction is what I know best...

...I realize that the Holy Spirit has been preparing me to teach and lead others...

...Over the next few weeks (or months...) I will be writing down all that I have learned over the years concerning destructive devices, sabotage, covert operations, and survival skills.

14. On September 3, 2010 a Confidential Human Source, hereinafter referred to as CHS, engaged in a telephonic conversation with Moose. This conversation was recorded by the CHS and later reviewed by the FBI. Moose and CHS had previously established a relationship on FB. During the conversation, CHS explained that his best friend's wife was planning on doing something that he strongly opposed. As CHS attempted to explain that she was about to have an abortion, Moose made the statement "say no more". As CHS continued to say that he wanted to take action before she did, Moose interjected and stated "I understand and I can help". Moose then stated that he is "marked" by federal agents and that his conversation was likely being monitored. Moose cautioned CHS to "mind your words". Moose discussed the incendiary material Thermite, described its basic composition, and then stated that some "places" have gas lines. It appears that Moose was suggesting that Thermite would melt metal and when placed on a gas line, would ignite the gas causing an explosion. CHS and Moose made plans to speak and coordinate a meeting for the following day.

15. On September 4, 2010, CHS and Moose met at the TGI Fridays restaurant located at 8041 Concord Mills Boulevard, Concord, North Carolina, located within the Middle District of North Carolina. The ensuing conversation was recorded by the FBI and reviewed by investigative personnel. During the conversation, the CHS pointed at a piece of paper with the name

and address of an abortion clinic written on it. For the purposes of this affidavit, the clinic will not be identified, but is located in the State of North Carolina. During the course of the conversation, the CHS stated several times that he intends to destroy the building to prevent his best friend's wife from having an abortion. Moose acknowledges the CHS's plans, indicates that he knows of the facility, and proceeds to provide the CHS with instructions on how to utilize and/or manufacture three separate explosives or incendiary materials. These devices included the following:

1. An ammonium nitrate and fuel oil explosive (commonly referred to as anfo) that is initiated by the high explosive TATP;
2. Thermite and natural gas; and
3. Gasoline and a road flare.

Moose then spent over an hour explaining the benefits and shortfalls of these techniques, as well as how to best deploy them.

16. The CHS displayed a copy of the document that describes how to make TATP from the link Moose provided on his FB page. CHS asked if sulfuric acid from a pool supply store was of sufficient quality. Moose stated he has used a motorcycle battery from Auto Zone to obtain the sulfuric acid.

Moose suggested that CHS could also utilize muriatic acid which is actually hydrochloric acid and commercially available from the paint section of a Lowes Home Improvement store. Moose told the CHS that there were two important things to keep in mind when making TATP. The first was to keep the solution very cold, and suggested putting it in a cooler of ice and beer. The second point was to wash the crystals thoroughly with a baking soda and water solution to neutralize the acid in order to stabilize the TATP. Moose then told the CHS if he isn't familiar with explosives he will need to practice with them. Moose also told the CHS to quadruple the recipe he had in order to obtain sufficient explosive power to detonate the anfo. Moose also explained how to pack the TATP in a used cardboard rocket engine in order to contain the material for sufficient detonation.

17. The CHS advised Moose that he was going to obtain hydrogen peroxide from a local beauty supply store. Moose advised the CHS to purchase Baquicil known as H₂O₂, and is utilized as a pool aid. Moose stated that this was the "major source" of hydrogen peroxide for those who make TATP. Moose also stated that the CHS can utilize over the counter 3%-6% hydrogen peroxide, but would need to use more acid, thereby making the TATP more unstable. Moose cautioned the CHS not to order any items over the internet, but rather walk into stores to purchase these chemicals.

18. At one point, Moose tells the CHS, "I want you to be successful. If any of this stuff gets out, you can go away before you finish your mission." "TATP is a high explosive. It's illegal to make high explosives." Moose and the CHS discuss the methods to ignite TATP and Moose stated that he has cannon fuses. Moose tells CHS he can purchase the same fuses in South Carolina.

19. Moose encouraged CHS to read the Biblical Old Testament Book of Judges and referred to himself, the CHS, Paul Hill, and Scott Roeder as Judges as well. Moose went on to state that after Scott Roeder killed Dr. Tiller, abortions in the Midwest decreased. Moose stated that one action can have a snowball effect. Moose also stated that the "ends justify the means," and then encouraged the CHS to read the Biblical Old Testament Book of Psalms, Chapter 139, From this reference, Moose made the comment, "slay the wicked."

20. Moose told the CHS that he is a member of the Army of God, and stated, "The Army of God is a phantom cell organization. I have set up groups. I train people and this is not my first rodeo." Moose went on to say, "If they put me away right now, if I never make it home, it doesn't matter because I've already told you everything you need to know."

21. Moose also explained how to conduct reconnaissance missions on the clinic. Specifically, Moose

instructed the CHS to go to a local bar, have several beers, and stagger around the facility. If confronted and questioned, the CHS can utilize the excuse that he was looking for a place to urinate. Moose explained that he would only be arrested for public drunkenness, but it is better than conspiracy or trespassing.

22. Moose then counseled the CHS about the placement of explosives within the building. Moose explained that explosives are spherical, and in order to obtain maximum damage, the CHS should enter the building and place the device inside. Moose recommended a four foot fuse in order to have enough time to exit the building. Moose stated that the fuse burns at a rate of a foot every thirty seconds or one minute. When the CHS stated he wanted to "level" the building, Moose recommended a five gallon bucket of anfo that was detonated by TATP.

23. On several occasions during their conversation about explosives, Moose suggested that the easiest course of action to ensure success was to simply use ten gallons of gasoline and a road flare. Moose suggested that CHS purchase two five gallon buckets with lids from Lowes and fill them with gasoline. Then, after the CHS gained entrance to the clinic by breaking a window or door, the CHS should dump the gasoline inside, light the road flare, and run out of the building. Moose stated, "The more complicated the device is, the more

prone to failure it will be". Moose also said it would be "more effective", "more guaranteed", and that CHS would not "blow himself up". When the CHS reiterated that he wanted to permanently destroy the building and not just start a fire, Moose continued discussing the use of anfo and TATP.

24. Moose acknowledged that he was "putting my neck on the line" by helping the CHS, but was available to answer any other questions the CHS had. Moose said the two could meet again, but acknowledged the CHS was on a short deadline to conduct the bombing. Moose then told the CHS it was, "Good to have you on board." Moose then cautioned the CHS to turn his phone off if they meet again, as the CHS's phone contains a microphone and GPS.

25. During their meeting, Moose confided in the CHS that he referred to himself as the "Christian counterpart of Usama Bin Laden".

26. On September 5, 2010, the CHS engaged in a telephonic conversation with Moose that was recorded by the FBI and reviewed by investigative personnel. In the recording, the CHS told Moose that he had acquired the ingredients to build the TATP, and was in the process of synthesizing the material. The CHS asked Moose several technical questions about why the material had certain chemical reactions and expressed concerns about whether the material would prematurely explode. These

questions were based upon information received by Dr. Yeager and were provided to the CHS for inclusion in the CHS's dialogue with Moose. Based upon the information provided by Dr. Yeager, Moose's responses to these questions were consistent with the chemical reactions that occur when making TATP. Moose answered the CHS's questions about why the chemicals reacted in the manner that they did, and offered suggestions to the CHS about how to add the chemicals correctly. During one stage of the process, Moose instructed the CHS to add one of the chemicals more slowly than the CHS described and to utilize a graduated dropper or syringe to ensure a premature explosion did not occur.

27. In the previous conversation between the CHS and Moose on September 4, 2010, Moose stated that a hobby fuse could be utilized to detonate the TATP and that he was in possession of some. During the September 5, 2010 telephone call, the CHS asked if he could utilize Moose's hobby fuse for the TATP he was making. Moose stated that his hobby fuse was old and would need to be tested to ensure it worked. Moose suggested the CHS should utilize new hobby fuse and would check around for some. At the end of the conversation, Moose told the CHS that he had spoken to another known anti-abortion extremist whose identity will not be articulated in this affidavit, but known to the FBI, about what the CHS was doing. Moose stated that this person and several others were praying for the CHS.

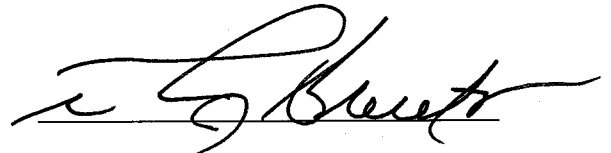
CONCLUSION

28. Title 18 United States Code Section 842(p)(2)(B), "Distribution of Information Relating to Explosives, Destructive Devices, and Weapons of Mass Destruction" states that it shall be unlawful for any person:

(B) to teach or demonstrate to any person the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute to any person, by any means, information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, knowing that such person intends to use the teaching, demonstration, or information for, or in furtherance of, an activity that constitutes a Federal crime of violence.

29. Based upon Moose's repeated assertions and promotion of violence towards abortion providers, the link to build the high explosive TATP on his FB account (which includes his comments regarding how to handle the material), and Moose's detailed instruction to the CHS, knowing the information pertaining to the use of an explosive would be utilized in a Federal crime of violence, specifically a violation of Title 18

USC Section 248(a)(1) and (3), Freedom of Access to Clinic Entrances (FACE Act), it is believed Moose's conduct as set forth herein constitutes the relevant Federal Crime of violence specified under Title 18 USC Section 842(p)(2)(B). Accordingly, your Affiant respectfully requests that this Court issue an arrest warrant for Justin Carl Moose.



Thomas J. Brereton

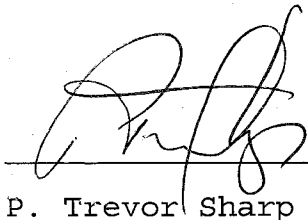
Special Agent, FBI

Sworn to before me and subscribed in my presence,

September 6, 2010 at Greensboro, North Carolina

Date

Location



P. Trevor Sharp

U.S. Magistrate Judge

Middle District of North Carolina